

# Senate Study Bill 3159

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CO=CHAIRPERSON FRAISE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to farm tenancies.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5538SK 81  
4 da/gg/14

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1 1 Section 1. NEW SECTION. 562.1A DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Farm tenancy" means a leasehold interest in land held  
1 5 by a person who produces crops or provides for the care and  
1 6 feeding of livestock on the land, including by grazing or  
1 7 supplying feed to the livestock.  
1 8 2. "Livestock" means the same as defined in section 717.1.  
1 9 Sec. 2. Section 562.5, Code 2005, is amended to read as  
1 10 follows:  
1 11 562.5 TERMINATION OF FARM TENANCIES.  
1 12 In ~~the~~ case of ~~tenants occupying and cultivating farms a~~  
1 13 ~~farm tenancy~~, the notice must fix the termination of the farm  
1 14 tenancy to take place on the first day of March, except in  
1 15 cases of a mere ~~croppers cropper~~, whose ~~leases farm tenancy~~  
1 16 ~~shall be held to expire terminate~~ when the crop is harvested+.  
1 17 ~~However~~, if the crop is corn, ~~it the termination~~ shall not be  
1 18 later than the first day of December, unless otherwise agreed  
1 19 upon.  
1 20 Sec. 3. Section 562.6, Code 2005, is amended to read as  
1 21 follows:  
1 22 562.6 AGREEMENT FOR TERMINATION.  
1 23 If an agreement is made fixing the time of the termination  
1 24 of ~~the a~~ tenancy, whether in writing or not, the tenancy shall  
1 25 ~~cease terminate~~ at the time agreed upon, without notice. ~~In~~  
1 26 ~~the case of farm tenants, except~~ Except for a farm tenant who  
1 27 ~~is a mere croppers, occupying and cultivating cropper, a farm~~  
1 28 ~~tenancy with an acreage of forty acres or more, the tenancy~~  
1 29 shall continue beyond the agreed term for the following crop  
1 30 year and otherwise upon the same terms and conditions as the  
1 31 original lease unless written notice for termination is served  
1 32 upon either party or a successor of the party in the manner  
1 33 provided in section 562.7, whereupon the farm tenancy shall  
1 34 terminate March 1 following. However, the tenancy shall not  
1 35 continue because of an absence of notice if there is default  
2 1 in the performance of the existing rental agreement.

2 2 EXPLANATION  
2 3 Code chapter 562, and in particular Code sections 562.5,  
2 4 562.6, and 562.7, governs how notice must be provided to a  
2 5 farm tenant in order to terminate a lease by providing a  
2 6 number of rights to farmer=tenants. For example, there must  
2 7 be a fixed amount of time between a notice of termination and  
2 8 the actual termination date (the notice must be given by  
2 9 September 1 to terminate the lease for the following crop  
2 10 year), it must terminate on March 1, and if there is no timely  
2 11 notice of the termination or the notice does not otherwise  
2 12 satisfy the requirements of the statute, the tenancy will  
2 13 automatically be continued under the same terms and conditions  
2 14 of the original lease for the following crop year (unless the  
2 15 parties agree otherwise).  
2 16 There are several exceptions. The tenants' rights  
2 17 provisions do not apply to a "mere cropper" (an undefined

2 18 term, but generally a person who pays for the land's use on a  
2 19 crop share basis, meaning a percentage of the crops produced  
2 20 on the land rather than a fixed amount), a tenancy which is  
2 21 less than 40 acres, where there is a default in the  
2 22 performance of the terms of the lease, or where the tenant is  
2 23 not "occupying and cultivating" the land. The Iowa Supreme  
2 24 Court has held that the term "occupy" is not restricted to  
2 25 residency. See Paulson v. Rogis, 77 N.W.2d 33 (Iowa 1956).  
2 26 However, in a later case, the Iowa Supreme Court held that  
2 27 "cultivation" did not include using the land for grazing or  
2 28 presumably post-harvest gleaning under common "cornstalk  
2 29 leases". See Morling v. Schmidt, 299 N.W.2d 480 (Iowa 1980).  
2 30 This bill amends Code chapter 562 by defining a "farm  
2 31 tenancy" to mean a leasehold interest in land held by a person  
2 32 who produces crops or provides for the care and feeding of  
2 33 livestock on the land, including by grazing or supplying feed  
2 34 to the livestock. The bill eliminates the term "occupying and  
2 35 cultivating". "Livestock" is defined by reference to a  
3 1 commonly used definition in Code section 717.1, which includes  
3 2 an animal belonging to the bovine, caprine, equine, ovine, or  
3 3 porcine species, ostriches, rheas, emus, farm deer, or  
3 4 poultry.  
3 5 LSB 5538SK 81  
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